

## **REMARKS**

### **The claimed invention**

The invention is a method of treating patients with bipolar disorder by administering an omega-3 phosphatidylcholine. The claims have been amended to recite that omega-3 phosphatidylcholines may be used to alleviate both manic and depressive phases of bipolar disorder.

### **The cited art**

Schreier discloses the use of lecithin and lithium to treat bipolar disorder.

The '333 patent discloses the use of lithium salts of omega-3 fatty acids to treat manic depressive psychosis.

### **Rejections under 35 U.S.C. § 112**

The Examiner rejects claims 18 and 19 for depending from a withdrawn claim. Claim 18 has been amended to incorporate the recitations of claim 10.

### **Rejections under 35 U.S.C. § 103**

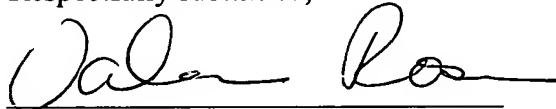
Claims 18 and 19 stand rejected under 35 U.S.C. 103 as being unpatentable over Schreier in view of U.S. Patent No. 5,252,333. The Examiner states that the disclosure of treating manic depressive psychosis with eicosapentaenoic acid or docosahexaenoic acid would have motivated one skilled in the arts to treat bipolar disorder with omega-3 phosphatidylcholine. Applicant respectfully disagrees. A declaration under 37 C.F.R. 1.132 is submitted herewith. The declaration provides descriptions of bipolar disorder and manic depressive psychosis and further states that it would not be obvious that a treatment for one phase of bipolar disorder could be successfully used to treat other phases or mixed phases of bipolar disorder or that such a treatment would not exacerbate other phases of bipolar disorder. Claim 18 has been amended to specify that the recited method is a treatment for both manic and depressive phases of bipolar disorder. Applicant further submits that Schreier fails to remedy the failure of the cited patent to teach the use of omega-3 phosphatidylcholine for treatment of all phases of bipolar disorder. Applicant submits that claims 18 and 19 are allowable in view of U.S. Patent No. 5,252,333 and Schreier, whether considered separately or in combination.

Declaration Under 37 CFR 1.132

Applicant submits herewith a declaration executed by Dr. Lauren Marangell. Dr. Marangell made two handwritten changes to the declaration, but did not date or initial them. Neither change is substantive. The application referenced at the beginning of Dr. Marangell's declaration, 09/269,361, is a parent application to the present application. Applicant will have a corrected or updated version of the declaration executed if the Examiner so requires.

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Valarie B. Rosen', written over a horizontal line.

Valarie B. Rosen

Registration Number 45,698

Date: November 8, 2004

Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
3765521\_1.DOC